



Express Mail Label No. EM443446785US

PATENT  
Atty. Docket No. CRP-137  
(2054/106)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Rueger et al.  
SERIAL NUMBER: 08/822,186 GROUP NUMBER: 1646  
FILING DATE: March 20, 1998 EXAMINER: D. Romeo  
TITLE: Improved Osteogenic Devices and Methods of Use Thereof for Repair of  
Endochondral bone and Osteochondral Defects

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner of Patents  
Washington, D.C. 20231

Sir:

In accordance with the provisions of 37 C.F.R. § 1.97, Applicants hereby make of record the references listed on the accompanying PTO Form 1449 for consideration by the Examiner in connection with the examination of the above-identified patent application. The references listed therein were recently cited in an International Search Report. Copies of the Report and the references are enclosed.

REMARKS

In accordance with the provisions of 37 C.F.R. §1.97, this statement is being filed (CHECK ONE):

- ☐ (1) within three (3) months of the **Filing Date** or before the mailing date of the **First Office Action** on the merits; or
- ☐ (2) after the period defined in (1) but before the mailing date of a **Final Rejection** or **Notice of Allowance**, and
- ☐ the requisite Certification is attached hereto, **OR**
- ☐ the requisite fee under Rule 1.17(p), namely **\$240.00**, is included herein, or
- ☒ (3) after the mailing date of a **Final Rejection** or **Notice of Allowance** but before the payment of the **Issue Fee**, **AND**
- ☒ Applicant hereby Petitions the Commissioner to accept and consider the attached Information Disclosure Statement, **AND**

11/27/1998 TLJ/LLH  
0000567 08/22/186  
130.00 OP  
01 FC:122

- ☒ the requisite Certification, is attached hereto, **AND**
- ☒ the requisite petition fee due under Rule 1.17(i)(I), namely **\$130.00** is included herein.

It is respectfully requested that each of the documents shown on the attached form PTO-1449 be made of record in this application.

**CERTIFICATION**

As required under §1.97(e), Applicants, through the undersigned, hereby certify either that [check the appropriate space]:

- ☒ 1. [E]ach item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application **not more than** three months prior to the filing date of the Statement; or
- ☐ 2. [N]o item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the person signing this Certification after making reasonable inquiry, was known to **any** individual designated in §1.56(c) **more than** three months prior to the filing of the Statement.

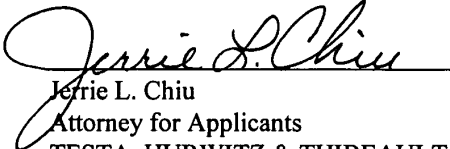
**FEE AUTHORIZATION**

Should any fee associated with the submission of this paper not be attached hereto as a check, the Commissioner is authorized to charge the missing fee to our Deposit Account, No. 20-0531. Any overpayments should be credited to said Deposit Account.

Respectfully submitted,

Date: November 24, 1998  
Reg. No. 41,670

Tel. No.: (617) 248-7861  
Fax No.: (617) 248-7100  
431JLC2054/106.688954

  
Jerrie L. Chiu  
Attorney for Applicants  
TESTA, HURWITZ & THIBEAULT, LLP  
High Street Tower  
125 High Street  
Boston, MA 02110